DRAFT Family Home Child Care Licensing Rules – Staff Qualifications Section

Dear Parents, Family Home Child Care Providers, and Other Interested Persons,

On the following pages you will find the early draft of the *Staff Qualifications* section of the Family Home Child Care licensing rules. This is a working draft prepared by the Negotiated Rule Making Team (NRMT), a group that is making recommendations to the Department of Early Learning (DEL) about the licensing rules. This draft has not been endorsed as an official DEL draft or proposed rule. Other sections of the working draft rules are available on the DEL Web site at: http://www.del.wa.gov/laws/development/negotiated.aspx.

Please remember that is a very early draft – you will have a chance to see and comment on future drafts before the rules become final.

The NMRT and DEL as asking that you take time to look over this early draft. Your experience and insight are needed! What you tell us will help the improve the rules. In the left column are the NRMT's recommended draft rules. In the right column is the current rule requirement. As you look over the draft new rules and current rules, think about the following:

- Are the draft new rules stated clearly?
- Are the draft rules easy to understand and follow?
- What would make the rule work better?

How to give your input. You can send an e-mail with your comments, suggestions or questions to DEL at Rules@del.wa.gov. Or, send your thoughts by fax to 360-413-3482, or mail them to: DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970. We will keep taking comments on this draft until the next draft version is ready for release.

What happens to your comments? All input from around the state will be considered by the DEL and the Negotiated Rule Making Team in writing the next draft of the rules.

What is the Negotiated Rule Making Team? The Negotiated Rule Making Team helps DEL review and write the Family Home Child Care WAC 170-296. Licensed child care providers, parent and provider advocates, the Service Employees International Union 925, the Child Care Resource & Referral Network, and DEL staff are on this team. The team is guided by the principle that licensing rules must support a child's right to have safe and healthy child care.

What happens next? Other parts of the draft rule will be available for your review soon. A second draft of the entire WAC chapter will be available in spring of 2010. Around mid-2010, DEL plans send out the formal rule proposal required by law. DEL will hold public hearings and accept more written comments on the proposal at that time. DEL plans to adopt the final rules in late 2010.

Remember, this is an early draft. You will get to see the draft rules again before they are final!

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STAFF QUALIFICATIONS

NOTE: An additional WAC section for Staff Qualifications will be added with a table to reflect each staff category and requirements.

LICENSEE	QUALIFICATIONS
Intent 170-296-5300 Staff Qualifications must show evidence of the ability, knowledge, and willingness to uphold the public trust in the care of our children. This section will address all who participate in the care of children in the family child care home.	No comparable current WAC
Licensee 170-296-5301 A licensee is the person(s); (a) Whose name appears on the license (b) Who is responsible for following the minimum licensing requirements, and (c) Who is responsible for the overall management of the licensed child care business.	170-296-0020 What definitions do I need to know to understand this chapter? "Licensee" means the person or persons named on the license as having been issued the license and who are responsible for maintaining compliance with the regulations.
Minimum Age 170-296-5310 The minimum age to be a licensee is 18 years old.	170-296-0130 How old do I have to be to apply for a license? You must be at least eighteen years old to apply for a license to provide child care 170-296-1410 What are the required staffing qualifications for child care? (5) The licensee must: (a) Be eighteen years of age or older;

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Background Checks 170-296-5320 The licensee must pass a background clearance check under chapter 170-06 WAC.	At the time you apply for a license you must submit a completed background check form and finger print card if required to the department for each person required to have a background check under chapter 170-06 WAC. 170-296-1410 What are the required staffing qualifications for child care? (2) If we have reason to believe that you, any staff, volunteers, assistants, or members of your household may be unable to meet the requirements in chapter 170-296 WAC, we may require any of the following evaluations: (a) Substance and alcohol abuse evaluations and documentation of treatment; (b) Psychiatric and psychological evaluations; (c) Psycho-sexual evaluations; and (d) Medical evaluations. (3) Any evaluation requested under subsection (2)(a) through (d) of this section will be at the expense of the person being evaluated. (4) The person being evaluated must give us permission to speak with the evaluator(s) in subsection (2)(a) through (d) of this section prior to and after the evaluation.
TB Test 170-296-5330 (1) Documentation of a negative Mantoux TB test completed in the last twelve months; (a)A previously positive Mantoux TB test with documented proof of treatment or a negative chest X ray; or (b)Documentation of Medication therapy to treat TB.	170-296-0160 How do I apply for a license? (2) You must submit these additional documents to the department either with your application or within sixty days of submitting your application: (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older-

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	170-296-1410 What are the required staffing qualifications for child care? (7) You and your staff must meet the following qualifications:
Orientation 170-296-5340 The licensee applicant must attend an orientation provided by DEL prior to submitting an initial application.	170-296-0160 How do I apply for a license? (1) To apply for a license, you must: (a) Attend an orientation provided by the department;
Pre-Service Training 170-296-5350 The license applicant must attend a pre-service training provided by DEL, either on-line, through video or in person, as part of the licensing process	No current requirement in rule. The Department of Early Learning will develop minimum pre-service training requirements in consultation with stakeholders.
Basic 20 hour training 170-296-5360 The licensee must complete the Basic 20 hours of S.T.A.R.S. training within the first six months of being licensed.	170-296-1410 What are the required staffing qualifications for child care? (5) The licensee must: (d) Have completed one of the following prior to or within the first six months of obtaining an initial license: (i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training and registry system (STARS);
On-going Training	No current requirement in rule.
170-296-5370 After the 1 st year of being licensed, the licensee must complete 30 hours of on-going DEL approved training every 3 years	

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Fire Safety; Emergency Preparation	170-296-0650
170-296-5380 The licensee must be familiar with all elements of the fire evacuation plan; (a) The licensee must be able to operate the fire extinguishers; (b) The licensee must be able to test the smoke detectors; (c) The licensee must conduct monthly inspections of the home to identify fire hazards and take action to correct any hazards discovered during the inspection.	Are there any requirements for staff training related to fire safety? You and each staff person and volunteer must be familiar with all elements of the fire evacuation plan and capable of: (1) Operating the fire extinguisher installed on the premises; (2) Testing smoke detectors (single station types); and (3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards discovered during the inspection.
First Aid/CPR, HIV/AIDS and Blood Borne Pathogens Training 170-296-5390 (1) The licensee must complete current First Aid/CPR training. (2) The First Aid/CPR training must include a hands-on component and must be in accordance with a nationally recognized standard for: (a) Infant, child, and adult CPR and (b) Basic standard first aid 170-296-5400 Licensee must have written proof of attending an approved training for HIV/AIDS and blood borne pathogen that includes prevention, transmission, treatment and confidentiality issues.	170-296-0160 How do I apply for a license? (2) You must submit these additional documents to the department either with your application or within sixty days of submitting your application: (a) Documentation of current infant, child and adult CPR and standard first aid training for you, any staff, or volunteer who will be counted in staff/child ratios; (c) Documentation of HIV/AIDS training and the availability of bloodborne pathogens information for you, staff and volunteers who have child care responsibility 170-296-0230 What CPR (cardiopulmonary resuscitation) and first-aid training is required? (1) You and any staff or volunteer who is counted in staff/child ratios must have the following current CPR and first-aid training. CPR and first-aid training must be in accordance with a nationally recognized standard for: - (a) Infant, child and adult CPR; and (b) Basic standard first aid.
	170-296-0240 What HIV/AIDS training and bloodborne pathogen

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PRIMARY STAFF P	information is needed (1) You, your staff and volunteers who are responsible for the care of children must complete training on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome). ERSON QUALIFICATIONS
Primary Staff Person	170-296-0020
170-296-5410 The Primary Staff person is qualified to be left alone with the children in the licensed child care.	What definitions do I need to know to understand this chapter? "Primary staff person" means a person who has been authorized by DEL to care for or have unsupervised access to children in child care under chapter 170-06 WAC, age eighteen years or older, who has responsibilities for the operation of the program and the direct supervision, behavior management and care of children.
Minimum Age 170-296-5420 The minimum age to be a Primary Staff person is 18 years old.	 170-296-1410 What are the required staffing qualifications for child care? 6) Child care staff must be: (b) Eighteen years of age or older if a primary worker and assigned sole responsibility for the child in care. [The current WAC has a table reflecting age requirements for various staff.]
Background Clearance 170-296-5430 The Primary Staff person must pass a background clearance check under chapter 170-06 WAC.	170-296-0180 Am I required to have a criminal history background check? At the time you apply for a license you must submit a completed

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	background check form and finger print card if required to the department for each person required to have a background check under chapter 170-06 WAC.
	What are the required staffing qualifications for child care? (2) If we have reason to believe that you, any staff, volunteers, assistants, or members of your household may be unable to meet the requirements in chapter 170-296 WAC, we may require any of the following evaluations: (a) Substance and alcohol abuse evaluations and documentation of treatment; (b) Psychiatric and psychological evaluations; (c) Psycho-sexual evaluations; and (d) Medical evaluations. (3) Any evaluation requested under subsection (2)(a) through (d) of this section will be at the expense of the person being evaluated. (4) The person being evaluated must give us permission to speak with the evaluator(s) in subsection (2)(a) through (d) of this section prior to and after the evaluation. [The current WAC has a table reflecting background check requirements for various staff and volunteers.]
TB Tests 170-296-5440 The Primary Staff person must have documentation of a negative Mantoux TB test completed in the last twelve months or; (a) A previously positive Mantoux TB test with documented proof of treatment or a negative chest X ray; or (b) Documentation of Medication therapy to treat TB.	170-296-0160 How do I apply for a license? (2) You must submit these additional documents to the department either with your application or within sixty days of submitting your application: (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older- 170-296-1410
	What are the required staffing qualifications for child care? (7) You and your staff must meet the following qualifications:

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	[The current WAC has a table reflecting TB testing requirements for staff.]
Basic 20 hour training 170-296-5450 The Primary Staff must complete the Basic 20 hours of S.T.A.R.S. training within the first six months of being employed.	170-296-1410 What are the required staffing qualifications for child care? (7) You and your staff must meet the following qualifications: [The current WAC has a table reflecting basic training requirements for staff.]
On-going Training 170-296-5460 After the first year of being employed, the Primary Staff must complete 30 hours of on-going DEL approved training every 3 years.	Am I required to offer training to my staff? You must: (1) Discuss with the staff your policies and procedures as well as the rules contained in this chapter; (2) Provide or arrange for your staff to have training for the services that you provide to children under your care; (3) Include in your training monthly practice of fire drills and disaster training for each staff; (4) Update bloodborne pathogen information on an annual basis; (5) Ensure that staff and volunteers keep CPR and first aid training current if they are required to have it; (6) Record the amount of time and type of training provided to staff; and (7) Keep this information in staff files or in a separate training file and make this information available to the department upon request.
Fire Safety, Training 170-296-5470 (1)The Primary Staff person must have fire safety and evacuation training, conducted by the Licensee, including; (a) Being familiar with all elements of the fire evacuation plan; (b) Operating the fire extinguishers; (c) Testing the smoke detectors; 170-296-5470 (2) The Primary Staff person will participate with the licensee in the inspections of the home to identify fire hazards and	170-296-0650 Are there any requirements for staff training related to fire safety? You and each staff person and volunteer must be familiar with all elements of the fire evacuation plan and capable of: (1) Operating the fire extinguisher installed on the premises; (2) Testing smoke detectors (single station types); and (3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards discovered during the inspection.

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discuss with the licensee how to correct any hazards discovered during the inspection.	
First Aid/CPR and HIV/AIDS Blood Borne Pathogen training 170-296-5480 (1) The Primary Staff must complete current First Aid/CPR training. (2) The First Aid/CPR training must include a hands-on component and must be in accordance with a nationally recognized standard for: (a) Infant, child, and adult CPR, and (b) Basic standard first aid 170-296-5490 The Primary Staff person must have written proof of attending an approved training for HIV/AIDS and blood borne pathogen that includes prevention, transmission, treatment and confidentiality issues.	170-296-0230 What CPR (cardiopulmonary resuscitation) and first-aid training is required? (1) You and any staff or volunteer who is counted in staff/child ratios must have the following current CPR and first-aid training. CPR and first-aid training must be in accordance with a nationally recognized standard for: - (a) Infant, child and adult CPR; and (b) Basic standard first aid. 170-296-0240 What HIV/AIDS training and bloodborne pathogen information is needed (1) You, your staff and volunteers who are responsible for the care of children must complete training on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).
ASSISTANTS AND VOLUNTEERS	
Assistants and Volunteers 170-296-5500 (1) Assistants and Volunteers are the people who help in the licensed child care but are supervised by the licensee or primary staff. 170-296-5500 (2)The licensee or primary staff person must be within visual or auditory range at all times when an assistant or volunteer is working with the children.	Tro-296-0020 What definitions do I need to know to understand this chapter? "Assistant" means a person fourteen years or older (whether a volunteer or an employee) who assists a licensed home provider in the operation of the family home child care and is not solely responsible for the supervision of children. 170-296-1430
Exception: Volunteers who fulfill the qualifications of the primary staff person can be left alone with children.	Are child care assistants and volunteers allowed to provide care to a group of children without supervision? (1) You may have a child care assistant and volunteer support you at your

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NOTE: "supervised" will be defined.	family home child care facility while under the direct supervision of you or a primary staff person; and (2) You must not assign to a person under eighteen years of age sole responsibility for a group of children.
Minimum Age 170-296-5510 The minimum age to be an Assistant or Volunteer is 14 years old.	170-296-1410 What are the required staffing qualifications for child care? Fourteen years of age or older if an assistant [The current WAC has a table reflecting age requirements for various staff and volunteers.]
Background Clearance 170-296-5520 The assistant or volunteer must pass a background clearance check under chapter 170-06 WAC. NOTE: Under RCW 43.43.832 an assistant or volunteer under age 16 is not required to complete a background check.	Art the time you apply for a license you must submit a completed background check form and finger print card if required to the department for each person required to have a background check under chapter 170-06 WAC. 170-296-1410 What are the required staffing qualifications for child care? (2) If we have reason to believe that you, any staff, volunteers, assistants, or members of your household may be unable to meet the requirements in chapter 170-296 WAC, we may require any of the following evaluations: (a) Substance and alcohol abuse evaluations and documentation of treatment; (b) Psychiatric and psychological evaluations; (c) Psycho-sexual evaluations; and (d) Medical evaluations. (3) Any evaluation requested under subsection (2)(a) through (d) of this section will be at the expense of the person being evaluated. (4) The person being evaluated must give us permission to speak with the evaluator(s) in subsection (2)(a) through (d) of this section prior to and after the evaluation.

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	[The current WAC has a table reflecting background check requirements for staff and volunteers.]
TB Test 170-296-5530 An Assistant or Volunteer must have documentation of a negative Mantoux TB test completed in the last twelve months, or; (a) A previously positive Mantoux TB test with documented proof of treatment or a negative chest X ray; or (b) Documentation of Medication therapy to treat TB.	170-296-0160 How do I apply for a license? (2) You must submit these additional documents to the department either with your application or within sixty days of submitting your application: (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older- 170-296-1410 What are the required staffing qualifications for child care? (7) You and your staff must meet the following qualifications: [The current WAC has a table reflecting TB testing requirements for staff and volunteers.]
Training 170-296-5540 The Assistant or Volunteer must receive, from the licensee, training in the child care home regarding regulations, safety, health, guidance, and nurturing.	170-296-1440 Am I required to offer training to my staff? You must: (1) Discuss with the staff your policies and procedures as well as the rules contained in this chapter; (2) Provide or arrange for your staff to have training for the services that you provide to children under your care (3) Include in your training monthly practice of fire drills and disaster training for each staff; (4) Update blood-borne pathogen information on an annual basis; (5) Ensure that staff and volunteers keep CPR and first aid training current if they are required to have it; (6) Record the amount of time and type of training provided to staff; and

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(7) Keep this information in staff files or in a separate training file make this information available to the department upon request.	and
Fire Safety and Evacuation 170-296-5550 (1) The Assistant or Volunteer must have fire safety and evacuation training, conducted by the Licensee, including; (a) Being familiar with all elements of the fire evacuation plan; (b) Operating the fire extinguishers; (c) Testing the smoke detectors 170-296-5560 The Assistant or Volunteer must participate with the licensee in the inspections of the home to identify fire hazards and discuss with the licensee how to correct any hazards discovered during the inspection.	l elements azards
First Aid/CPR training 170-296-5570 (1) The Assistant or Volunteer must have documentation of current First Aid/CPR training. (2) The First Aid/CPR training must include a hands-on component and must be in accordance with a nationally recognized standard for: (a) Infant, child, and adult CPR, and (b) Basic standard first aid HIV/AIDS and Blood Borne Pathogens Training 170-296-5580 An Assistant or Volunteer must have written proof of attending an approved training for HIV/AIDS and blood borne pathogen that includes prevention, transmission treatment and	tios must st-aid dard for: - gen
attending an approved training for HIV/AIDS and blood borne nathogen that includes prevention, transmission, treatment and children must complete training	

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SUBSTITUTES	(NEW CATEGORY)
Substitute 170-290-5600 A Substitute temporarily does the job of the licensee in the licensed child care home	No current rule
Minimum Age	No current rule
170-296-5610 The minimum age to be a Substitute is 18 years old	
Background Clearance 170-296-5620 The Substitute must pass a background clearance check under chapter 170-06 WAC	No current rule regarding substitute qualifications. See 170-296-0180 Am I required to have a criminal history background check? At the time you apply for a license you must submit a completed background check form and finger print card if required to the department for each person required to have a background check under chapter 170-06 WAC. See also 170-296-1410 What are the required staffing qualifications for child care? (2) If we have reason to believe that you, any staff, volunteers, assistants, or members of your household may be unable to meet the requirements in chapter 170-296 WAC, we may require any of the following evaluations: (a) Substance and alcohol abuse evaluations and documentation of treatment; (b) Psychiatric and psychological evaluations; (c) Psycho-sexual evaluations; and (d) Medical evaluations. (3) Any evaluation requested under subsection (2)(a) through (d) of this section will be at the expense of the person being evaluated. (4) The person being evaluated must give us permission to speak with the evaluator(s) in subsection (2)(a) through (d) of this section prior to and after the evaluation.

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TB Test	No current rule regarding substitute qualifications
170-296-5630 A Substitute must have Documentation of a negative Mantoux TB test completed in the last twelve months, or; (a) A previously positive Mantoux TB test with documented proof of treatment or a negative chest X ray; or (b) Documentation of Medication therapy to treat TB.	See 170-296-0160 How do I apply for a license? (2) You must submit these additional documents to the department either with your application or within sixty days of submitting your application: (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older- [WAC 170-296-1410 also has a table with TB testing requirements for staff].
Training	No current rule regarding substitute qualifications
170-296-5640 The licensee must provide training to the Substitutes in the child care home, regarding regulations, safety, health, guidance, and nurturing.	See 170-296-1440 Am I required to offer training to my staff?
	You must: (1) Discuss with the staff your policies and procedures as well as the rules contained in this chapter; (2) Provide or arrange for your staff to have training for the services that you provide to children under your care; (3) Include in your training monthly practice of fire drills and disaster training for each staff; (4) Update bloodborne pathogen information on an annual basis; (5) Ensure that staff and volunteers keep CPR and first aid training current if they are required to have it; (6) Record the amount of time and type of training provided to staff; and

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	(7) Keep this information in staff files or in a separate training file and make this information available to the department upon request.
Fire Safety and Evacuation	No current rule regarding substitute qualifications
170-296-5650 (1) The Substitute must have fire safety and evacuation training, conducted by the Licensee, including; (a) Being familiar with all elements of the fire evacuation plan; (b) Operating the fire extinguishers; and (c) Testing the smoke detectors (2) The Substitute will participate with the licensee in the inspections of the home to identify fire hazards and discuss with the licensee how to correct any hazards discovered during the inspection. Use of Substitutes 170-296-5670 Substitutes may provide child care in a licensed home for up to 12 hours a month.	See 170-296-0650 on staff fire safety training requirements You and each staff person and volunteer must be familiar with all elements of the fire evacuation plan and capable of: (1) Operating the fire extinguisher installed on the premises; (2) Testing smoke detectors (single station types); and (3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards discovered during the inspection. No current rule
First Aid/CPR training	No current rule regarding substitute qualifications
170-296-5680 (1) The Substitute must complete current First Aid/CPR training.	See 170-296-0230 on staff CPR, First Aid, Blood Borne Pathogens and HIV/AIDS training requirements
(2) The First Aid/CPR training must include a hands-on component and must be in accordance with a nationally recognized standard for: (a) Infant, child, and adult CPR, and (b) Basic standard first aid HIV/AIDS and Blood Borne Pathogens Training 170-296-5690 Must have written proof of HIV/AIDS and blood borne pathogen training that includes prevention, transmission, treatment and confidentiality issues	 (1) You and any staff or volunteer who is counted in staff/child ratios must have the following current CPR and first-aid training. CPR and first-aid training must be in accordance with a nationally recognized standard for: - (a) Infant, child and adult CPR; and (b) Basic standard first aid. See also 170-296-0240 What HIV/AIDS training and bloodborne pathogen information is needed
	(1) You, your staff and volunteers who are responsible for the care of

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	children must complete training on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).